

## REMARKS

This Response is submitted in response to the Office Action dated March 19, 2008. The Office Action objected to Claims 2 and 6, rejected Claims 4-6 under 35 U.S.C. §112, rejected Claims 1-3 and 6 under 35 U.S.C. §102(b), and rejected Claims 4 and 5 under 35 U.S.C. §103(a). Claims 1, 2 and 4-6 have been amended herein. No new matter has been added thereby. Applicants respectfully submit that the rejections have been overcome for at least the reasons outlined below. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

The Office Action objected to Claims 2 and 6 for minor informalities. Both of these claims have been amended to correct the typographical errors noted by the Examiner. Accordingly, Applicants respectfully submit that the objections have been overcome.

The Office Action rejected Claims 4-6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter that Applicants regards as the invention. In particular, the Office Action noted a lack of proper antecedent basis with regard to the phrase “said recording and/or reproducing apparatus” in Claim 4, with regard to the phrase “said recording and/or reproducing apparatus” in Claim 5, and with regard to the phrase “said lock member” in Claim 6. Each of the claims has been amended accordingly, and Applicants respectfully request that the 35 U.S.C. §112, second paragraph rejections of Claims 4-6 be withdrawn.

The Office Action rejected Claims 1-3 and 6 under 35 U.S.C. §102(b) as allegedly being anticipated by JP 11-339426 to Kamaya et al. (“Kamaya”). Of these rejected claims, Claims 1, 2 and 6 are the sole independent claims. Claim 1 has been amended to recite, at least in part, a lock unit rotationally mounted to said shutter and adapted for *rotationally engaging* with an engagement part provided to said disc cartridge. Similarly, Claims 4 and 6 have been amended to recite, at least in part, an engagement part provided to said main cartridge body unit for *rotational engagement* by said locking member. In one non-limiting example of the presently claimed invention, as shown in Figs. 8 and 9 of the present application, the lock unit 27 is rotationally mounted to the shutter 15 about pivot point 35, and is adapted for rotational engagement with the engagement part 29. As shown in Fig. 8, the locking unit 27 includes an upstanding thrust portion 28, a lock lever 28, a spring 37, and an upstanding engagement piece

31. When the lock unit 27 is fully rotated in the clockwise "C" direction, the upstanding engagement piece 31 is engaged with the engagement part 29. As shown in Fig. 8, the upstanding engagement piece 31 is integrally formed as a part of the lock lever 28 of the lock unit 27. Also, the Specification discloses that the lock lever 28 is formed as an elongated plate-shaped member, including an upstanding thrust part 30 extending along a lateral side edge thereof, and an upstanding engagement piece 31 on the opposite side for engagement by the engagement part 29. (See, Specification, pg. 17, lines 15-20). Accordingly, because the engagement piece 31 is an integral part of the lock lever 28, when the lock lever 28 is rotated in the counterclockwise "D" direction, as shown in Fig. 9, the upstanding engagement piece 31 also rotates with the lock lever 28. Because the upstanding engagement piece 31 is the element that engages the engagement part 29, the lock unit 27 is rotationally mounted to the shutter 15 and is also adapted for *rotationally engaging* with an engagement member provided to the disc cartridge, as recited in amended Claim 1. In contrast to the presently claimed invention, Kamaya does not appear to disclose or suggest this feature.

The Kamaya reference discloses a disc cartridge and a recording apparatus, where the disc cartridge include a shutter member. According to the English Language machine translation of the Kamaya reference, the device includes a lock part 80 that regulates the movement of the shutter member 75. The lock part 80 is provided with the following: an engagement piece 81 which engages with the cartridge body 71 as shown in the drawing 17 and drawing 18; an operating member 82 which carries out moving operation of this engagement piece 81; and a twist coil spring 83 energized so that this operating member 82 may be rotated in the drawing 17 Nakaya seal  $g_1$  direction. (See, Kamaya, [0086]). The engagement piece 81 includes an engaging pawl 85 that is pivotally coupled via the pivot 87 to the end part of the operating member 82, as shown in Figs. 17-20 of Kamaya. (See also, Kamaya, [0087]). Therefore, although the operating member 82 pivots about axis 86 in the  $g_1$  and  $g_2$  directions, the engagement piece 81 (and engagement pawl 85), which is supported via the pivot 87 (of the end part of the operating member 82), is allowed to freely rotate. (See also, Kamaya, [0088]). Accordingly, when the operating member 82 rotates from a first angular position (as shown in Fig. 18 of Kamaya) to a second angular position (as shown in Fig. 20 of Kamaya), the angle of the engagement piece 81 does not change (i.e., the engagement piece does not appear to rotate

about pivot 87). As such, because the engagement piece 81 is the portion that actually engages the engagement groove 84, the lock part 80 is not adapted for *rotationally engaging* an engagement part, as recited in the amended claims.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the 35 U.S.C. §102(b) rejections of Claim 1-3 and 6 in view of Kamaya be withdrawn.

The Office Action also rejected Claims 4 and 5 under 35 U.S.C. §103(a) over Kamaya and in further view of JP 2001-357650 to Shimazaki. As admitted in the Office Action, Kamaya does not disclose or suggest that an inserting end of a main cartridge body is a substantially semicircular arcuate section centered about the center of the disc. (See, Office Action, pg. 3). Shimazaki is merely relied on for the purported disclosure of a main cartridge body that includes a substantially semicircular arcuate section, centered about the center of said disc, accommodated in the main cartridge body unit, said aperture being formed for openings to a lateral side of said main cartridge body unit other than the lateral side formed as said arcuate section. Therefore, Shimazaki fails to cure the deficiencies of Shimazaki, even assuming that the references are properly combinable.

Accordingly, Applicants respectfully request that the 35 U.S.C. §103(a) rejections of Claims 4-5 in view of Kamaya and Shimazaki be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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